



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED TO:

NOV 16 2016

Ms. Denise Martello-Burton
Sugar Lane Water Association
P.O. Box 7
Rivesville, WV 26588

RE: Notice of Violation, Docket
No. SDWA-03-2016-005 -VS
Rivesville, Marion County, West Virginia
PWS ID No. WV3302520

Dear Ms. Martello-Burton,

The following Notice of Violation is issued pursuant to Sections 1414(a) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and is a coordinated effort with the West Virginia Department of Health and Human Resources (WVDHHR). According to our records and information received from WVDHHR, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations (NPDWR) found at 40 Code of Federal Regulations (CFR) Part 141.

NOTICE OF VIOLATION

FINDINGS

Based on information we possess:

1. Sugar Lane Water Association is the owner of the Sugar Lane Water Association public water system (PWS), PWS Identification Number WV330252 (System). Respondent is a "person" as defined by Section 1401 (12) of the SDWA and 40 C.F.R. § 141.2.
2. Pursuant to Sections 1401(4) and 1401(15) of the SDWA, 42 U.S.C. §§ 300f(4), 300f(15), and 40 C.F.R. § 141.2, "a *public water system* means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals" and "*community water system* means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

3. According to information provided by WVDHHR the System serves approximately 180 persons and has 82 service connections. Therefore, Respondent's System is a "public water system" and a "community water system," as defined by Sections 1401(4) and 1401(15) of the SDWA, 42 U.S.C. §§ 300f (4), 300f (15), and by 40 C.F.R. §141.2.
4. Respondent failed to collect the required number of tap samples for lead and copper analysis as required by §141.86(c), during the annual monitoring period beginning July 2009 and July 2010.
5. Respondent failed to provide notice of the individual lead monitoring tap water results to the persons served by the water system at that specific sampling site from which the sample was collected as required by 40 C.F.R. § 141.85, no later than 30 days after the system learns of the tap monitoring results. The Respondent failed to provide the specific lead monitoring tap results by December 30, 2013.
6. Respondent failed to produce and deliver a copy of the 2012 and 2013 Consumer Confidence Reports (CCRs) to the public as required by §141.152 (b) by July 1, 2013 and July 1, 2014, respectively.
7. Respondent failed to provide certification to WVDHHR that the 2012 and 2013 CCRs were correct and distributed to the water system customers as required by §141.155(c) by October 1, 2013 and October 1, 2014, respectively.
8. Respondent failed to notify the public and those served by the System of its monitoring and reporting violations as required by 40 CFR §141.204, for the following monitoring and reporting violations during the required notification periods:
 - a. Failure to collect the required number of samples for lead and copper analysis during the annual monitoring period during 2010.
 - b. Failure to monitor for total coliforms during the monthly monitoring period beginning September 2011.
 - c. Failure to monitor for disinfection residuals during September 2011.
 - d. Failure to collect the required number of samples for lead and copper annual monitoring during 2011.
 - e. Failure to distribute the 2013 Consumer Confidence Report by July 1, 2014.
9. **The Environmental Protection Agency ("EPA") is available to provide advice and technical assistance to help address the above FINDINGS. Please contact Ms. Roberta Riccio at 215-814-3107, if you want to request such advice or assistance.**

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g -3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system

If you have any questions, please call Roberta Riccio at 215-814-3107.

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,



Karen D. Johnson, Chief
Ground Water and Enforcement Branch

cc: Mr. Walter M. Ivey, WVDHHR Charleston Office
Ms. Meredith J. Vance, WVDHHR Charleston Office
Mr. Craig R. Cobb, WVDHHR Philippi District Office

